

Remarks

Claims 26-55 are presently pending in the subject application.

Reconsideration and allowance in view of the above amendments and the following remarks are respectfully requested.

Claims 1-3, 5-11 and 13 are canceled herein without prejudice to the prosecution of the subject matter of these claims in this or a future continuing application.

New claims 26-55 correspond to the previously pending claims and include independent claims 26, 37 and 47, which are based on the claimed subject matter indicated by the Examiner to be allowable (reciting the nature of the specimen retrieval device or the fluid transfer device or indicating that the cap includes a wick). On November 13, 2006, the Examiner indicated by phone to the undersigned that the claim sets newly presented herein, which are based on the subject matter of the canceled claims, would be permissible in an after-final response. New claims 33, 34, 43, 44, 52 and 53 correspond to canceled claim 10, but separate the generally conical nature of the inner wall from the plurality of striations included in the inner wall. This change is supported by the specification at, for example, page 4, line 8 *et seq.*, where it is disclosed that the inner wall of one cap embodiment need not include a plurality of striations to be pierceable. As the elements of new claims 33, 34, 43, 44, 52 and 53 were previously considered by the Examiner in evaluating the patentability of the claims, Applicants submit that these new claims will only require a “cursory review by the examiner.” *See* MPEP § 714.13.II. at page 700-222 (8th ed., Rev. 2, May 2004). Accordingly, Applicants submit that the newly submitted claims are in condition for allowance.

After-Final Amendment
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Please charge any fees due in connection with this Amendment, including the excess claims fee, to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Respectfully submitted,

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